

Village of Lexington Planning Commission Annual Report for 2020

1. Introduction

The goal of the Lexington Planning Commission is to guide and promote the efficient, coordinated development of the Village of Lexington in a manner which will best promote the health, safety, and general welfare of its people; preserve and protect the Village and its natural resources, and to address the goals and recommendations of the Master Plan.

This year, the Planning Commission completed a major update of the Master Plan and Zoning Ordinance. The Village Council approved them, and now we will begin to implement them.

2. Purpose of Report

Per the Michigan Planning Enabling Act (MPEA), this documents the Planning Commission's operations, the status of planning activities, and recommendations regarding actions by the Village Council related to planning and development. This report increases information sharing between the Commission, staff, other boards, and Council and allows for anticipation of upcoming issues and priorities, in order to prepare and budget, if necessary.

3. Membership

Mike Ziegler, chairperson	Mike Fulton, Village Council	Jamie McCombs, Commissioner
Wil Morris, vice-chairperson	Kristen Kaatz, Village President	Dave Picot, Commissioner
Jackie Huepenbecker, secretary	Jim Macksey, Commissioner	Steve Stencel, Commissioner

4. Meetings

The Planning Commission met ten times, which exceeds the Michigan Planning Enabling Act requirement of four meetings annually. Due to the restrictions stemming from the covid 19 pandemic, holding meetings was challenging: two were held in the Village Conference Room, two at Tierney park, two in the Village Theater, and two were held via Zoom.

5. Master Plan Review

With the assistance of the SmithGroup, the Planning Commission spear-headed a major update to the Master Plan. It is posted on the Village website and is intended to guide land use and zoning decisions. The future land use map should be used in conjunction with the plan goals when reviewing rezoning applications. A Plan is a guide to development, but it is not a legally enforceable document.

Master Plan	Zoning Ordinance
Provides general policies, a guide	Provides specific regulations, the law
Describes what should happen in the future, recommends land use for the next 10 to 20 years	Describes what is and what is not allowed today, based on existing conditions
Includes recommendations that involve other agencies and groups	Deals only with development-related issues under village control
Flexible to respond to changing conditions	Fairly rigid; requires formal amendment to change

Through a grant from the Michigan Economic Development Corporation, the Village employed the SmithGroup to facilitate a major update of the Master Plan. The work nearly two years ago. A steering committee was appointed, a survey was posted on the website, and public involvement sessions were held in 2019 on the following dates:

March 28 (54+ attended)

May 20 (37+ attended)

July 17 (57+ attended)

July 30 (37+ attended)

On June 15, 2020, Kathleen Duffy (SmithGroup) discussed the draft plan with the Commission, and then it was posted on the Village website. Citizens commented on the plan in July and August and on September 14, a Public Hearing was held. Several suggestions from citizens and commissioners were incorporated into the plan, and upon the recommendation by the Planning Commission, it was approved by the Village Council in November.

The Master Plan guides us in a path for maintaining our small town charm while planning for smart growth. It moves us closer to becoming a redevelopment ready community (RRC) and provides for:

- Improved utilization of corridors
- More and greater diversity in housing
- New architecture that is strongly linked with tradition
- Residential that is “village-style”, rather than subdivision
- Mixed use(s) that are complementary, and compatible
- Infill rather than sprawl
- A strong town center
- Gateways that properly transition and are complementary to the town center
- Active asset management of our public lands
- Limited auto-oriented uses and a more pedestrian-friendly design
- Stronger site design standards for all zones

Implementation tools are suggested throughout the plan and the action plan provides the framework for it. Many groups will be involved in the implementation and the first step is for the Village manager to appoint a steering committee.

6. Zoning Ordinance Amendments

Funding from the MEDC also supported employing Adam Young (Wade Trim) to facilitate a major update to the zoning ordinance.

The previous Zoning Ordinance was adopted in 2004 with various amendments enacted since then. Revisions were based on feedback from Master Plan update sessions, RRC best practices, and other needs, including:

Federal Laws, State Laws, and Court cases

Include churches as a conditional use in commercial districts (p. 56)

Add section on conditional rezoning to provide that an owner of land may voluntarily offer, in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map. (Pg. 39-42)

Allow public schools as a permitted, rather than conditional use (p. 48)

Clarify wireless communication regulations (Section 5.24)

Specify various types of childcare and adult foster care uses within zoning districts (p. 48)

Designate content neutrality for signs (pp. 134-135)

RRC Best Practices

Replace the term “conditional land use” with “special land use,” and give authority for final approval to the Planning Commission. (p. 23 and elsewhere in the ordinance)

Establish an administrative site plan review process with eligibility given to small projects such as changes of use, minor building additions, and minor site changes. (Pages 26-27)

Clarify preliminary site plan review process (pp 27, 31)

Allow for a greater variety of housing in various districts (pp. 9, 48, 50, and 56)

Add “new-economy businesses” within the commercial and industrial districts (pp. 56-58, 65-70)

Permit mixed-used buildings (p. 107)

Require new developments to include at least one site amenity to enhance safety and promote walking and bicycling, such as bike racks, drinking fountains, and benches. (pp. 107-108)

Allow for shared parking reduction (pp. 146-147)

Contemporary or Emerging topics, and Other Amendments

Merge R-1A, Single-Family Residential (Low Density) District and the R-1 B, Single-Family Residential (Medium Density) District into one district with the dimensional standards of the current R-1B district. (p. 48-49, 71)

Regulate and allow breweries, wineries, and distilleries in CBD, C-MU-G-MU (pp. 58, 66, 69, 107)

On mobile home lots, limit hardscape materials, such as concrete, pavers, or gravel to a maximum of fifteen (15%) in the unoccupied portion of the lot after setting the home (p. 85)

Prohibit window wrap lighting (p. 119-120)

Designate 2 stories as the maximum height of buildings in C-MU and G-MU Districts.

Specify banners (flags, streamers, feather flags, etc.) are permitted for up to a 30-day period once a year in GC, G-MU, C-MU. Feather flags are not permitted in the CBD (pp. 140-141)

Eliminate 8.10.4 regarding off-premise advertising signs (p. 143)

Specifically prohibit signs painted, mounted, or posted on trees, fences, poles, etc. (p. 144)

Decrease maximum period from one week to less than forty-eight (48) hours that a recreational vehicle may be used for living, sleeping, or housekeeping purposes to accommodate visitors without written authorization from Zoning Administrator. (p. 153)

Clarify that except for periods of less than forty-eight (48) hours, only those recreational vehicles which are owned by the property owner or resident of the property and which are properly plated and registered may be parked or stored. (p. 153)

Change zoning map to implement the recommendations above (for example, the merger of the R-1A and R-1B into a single R-1 District), changes in zoning districts, or the recommendations of the master plan update.

Make changes throughout the ordinance to implement recommendations of the Master Plan, including the names of and uses in zoning districts (particularly pages 54- 64, 68-70, 79-84)

Inconsistencies, Cumbersome Language and Sound Planning Practice

Move regulations for “outdoor display of goods” and “outdoor sales” from definitions to regulations (pp. 93-95)

More clearly define “sidewalk café.” (p. 16)

Locate all sign definitions in Section 2.2. (pp. 16-18)

Create figures for definitions that refer to figures. (pp. 7, 21)

Substitute length descriptions of public hearing procedures for special land uses with reference to State-required public hearing notice procedures from in the ZEA (pp. 23, 160)

Clarify that the “design review” process for cottage lots will include approval by the Planning Commission (pp. 25-26)

Give authority for allowing uses which are not specifically listed, but which “are similar to such listed uses” to the zoning administrator (p. 44)

Include an explicit statement allowing accessory uses in every district, for both permitted uses and special land uses. (pp. 47, 49, 51, 53, 58, 67, 70)

Permit short term rentals with the authority of review by the Zoning Administrator as a permitted use in the R-1 District (previously it was a conditional use) (p. 48)

List two-family dwellings as a permitted use in the R-2 District (previously also listed as conditional) (p. 48)

Remove regulation from the definition of “Drive-in and Drive Through Establishments. Amend the definition for “Restaurant” by defining two new restaurant types: “drive-in restaurant” (which the Village wants to allow) and “drive-through restaurant.” Amend the various zoning districts regarding drive-through facilities, to accomplish the following: (pp. 56-58, 65-67)

OFFICE AND SERVICE-RELATED USES	C-MU	G-MU	CBD	GC
Banks, credit unions, savings and loan associations, excluding drive-through establishments	P	P	P	P
Banks, credit unions, savings and loan associations, including drive-through establishments	SLU	no	no	SLU
FOOD & DRINK ESTABLISHMENTS	C-MU	G-MU	CBD	GC
Fast food restaurants, excluding drive-in or drive-through restaurants	SLU	no	SLU	SLU
Fast food restaurants, including drive-in restaurants but excluding drive-through restaurants	no	no	no	SLU
Drive-in restaurants, but excluding drive-through restaurants	no	no	no	SLU
Food services including grocery, meat market, bakery, restaurant, delicatessen and fruit market, and similar self-service units but not including any business of a drive-in type	P	no	P	P
Sit down or carry out restaurants, excluding drive-in or drive-through restaurants	P		P	P
VEHICULAR RELATED USES	C-MU	G-MU	CBD	GC
Automobile service stations and washes, including drive-through auto washes				SLU

Permit “multiple-family housing/ and/or apartment dwelling second floor and above: in the CBD (previously also listed as conditional uses. (p. 56)

Allow bars/lounges as a permitted use in CBD (previously also listed as conditional) (p 56)

Permit a sidewalk café’ to be allowed after administrative review by Zoning Administrator (previously regulated as a conditional land use) (p. 58)

Allow bars/lounges as a special land use in GC (previously also listed as permitted) (p. 66)

Allow “restaurants and cafeteria facilities for employees” as a permitted use in I-MU (previously regulated as a conditional land use.) (p. 69)

Delete Section 4.5.1,(9), the minimum size (1,000 square feet) mandate for commercial units

Reword Section 4.5.1,(14) to clarify that it applies to cottage lots only. (p. 73)

Delete Section 5.2.4 (Mailboxes), which is under Section 5.2 (Cluster Housing) because the Post Office has regulations.

Clarify regulations for “garages” and “accessory buildings to avoid discrepancies (pp. 4, 10, 77-78)

Delete Section 5.10.3,(1) that requires minor home occupations be registered with the Zoning Administrator because that does not take place

Decrease the minimal distance between short term rentals from 300 ft to 250 ft. (p. 105)

Add a provision to Section 6.2.2 to give the Planning Commission flexibility to modify, reduce, or waive the landscaping provisions in site plan review in certain circumstances, such as where existing conditions on the property prevent compliance or where adequate landscaping is already present, but continue to verify that any adjustments are in keeping with the intent of the Ordinance. (pp 109-110)

Give flexibility to the Planning Commission rather than the Village Council to deviate from the strict parking requirements of Section 9.4, “whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.” (p. 147)

Change language throughout the ordinance that requires some action to occur “prior to the issuance of building permits” to say “prior to the issuance of land use permits” because building permits are issued by the County while Land use permits are under the jurisdiction of the Zoning Administrator.

7. Development Reviews

Project type	Location Request by	Description	Status	Recommendation to legislative body	Date of Action
Final Site Plan Review	5512 Main St. Stacy Fox	Expansion of the Cadillac	Approved	Approval of plan (Council approved preliminary plan 12/16/2019)	Jan 6, 2020
Preliminary Site Plan Review	6934 Peck Rd. Kevin Martin	Nursery Supply Company	Withdrawn by owner	Approval of plan subject to submission of landscaping plan which meets the ordinance.	March 2020

8. Variances

No variances were requested.

9. Actions by Village Council

Martin Nursery Supply Company – Determined site plan was incomplete and returned it to Planning Commission for further study (Feb. 24, 2020)

Cadillac House Expansion – Per recommendation of Planning Commission approved preliminary plan (December 16, 2019)

Zoning Ordinance – Approved on August 31, 2020

Master Plan – Approved on November 16, 2020

10. Zoning Map

The zones were revised.

New Zones		Previous Zones	
AG	Agriculture District	AG	Agriculture District
R-1	Single-Family Residential	R-1A	Single-Family Residential, Low Density
		R-1B	Single-Family Residential, Medium Density
R-2-	Multiple Family Residential, Low Density	R-2-	Multiple Family Residential, Low Density
R-3	Multiple Family Residential, Medium Density	R-3	Multiple Family Residential, Medium Density
MHP	Mobile Home Park	MHP	Mobile Home Park
C-MU	Corridor Mixed Use	C-1	Local Service
G-MU	Gateway Mixed Use		
GC	General Commercial	C-2	General Commercial
CBD	Central Business District	CBD	Central Business District
I-MU	I-MU – Industrial Mixed Use	I-1	Limited Industrial
		I-2	General Industrial

Several residents who live on Union Street and Simon St. objected to combining R-1A and R-1B, (lot width lowered from 100 feet to 66 feet), however, the revision was made. Now, the residential lot width required throughout the village is 66 feet, and the seventeen homes in that area that were non-conforming are now conforming.

Two business owners objected that their lots were downsized from commercial back to residential. They were assured that the businesses that are located on those properties may remain, and if in the future they want to do something different with the property, they may apply for conditional rezoning.

11. Training Attended

Due to the COVID-19 pandemic, the fall and spring workshops were not held this year. Potential training for 2021 may include RRC Best Practices.

12. Joint Meetings

Due to the COVID-19 pandemic, no joint meetings were held this year. We look forward to meeting with other groups once the situation improves.

13. Other Notable Items

Due to the COVID-19 pandemic, this year we did not require owners of short-term rentals to have rented them out within the past eighteen months in order to renew the unit. To have units renewed in a short time frame, we asked owners to renew them during November and did not charge the \$50 renewal fee. All short-term rentals were renewed.

Next year, we look forward to:

- **Providing awareness to residents and business owners about the updated zoning ordinance,**
- **Beginning to implement the Master Plan, and**
- **Completing the requirements to become a Redevelopment Ready Community.**